

The Organic Emergence of Property from Reputation

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For centuries radicals have debated alternative property systems, and I'm glad we're having these conversations. But what has been consistently disappointing about them is how little they generally seek to explore the underlying roots of "property" itself. To be sure, all sides provide ethical arguments for why their system is superior that make moves in this direction, but the debate happens largely as though each of these systems were politicians or platforms. Rather than illuminate why we are having our disagreements and whether they can be bypassed, the various positions slide into mere competition by presenting their own positive qualities and the downsides of their competitors.

The approach I encourage as an alternative is one where we don't exclusively compare pre-figurative endpoints — final universal systems — but instead focus on the means by which such social norms are generated from the bottom up. As anarchists it's silly pageantry to write policy papers settling on a single and precise blueprint — as if we might debate it on some floor and raise enough voters to our side to enact it. Instead our goal should be to provide a better account of the dynamics and possibilities inherently at play so that individuals might have more tools and knowledge at their disposal to build solutions for themselves.

The question is not so much *what* property system might finally be settled on, but *how* it should emerge.

Before starting I want to underline something Kevin Carson touched on briefly, but warrants underlining for more communistic readers. There's a history of semantic baggage around the term "property" and many communists prefer to re-label things like personal toothbrushes "possessions" instead. But "possession" is always a matter of degree and 1800s era distinctions between for example *things* and *things that help make other things* (commodities versus capital) seem very silly and arbitrary, a highly contextual framework that is rapidly dissolving with modern technological developments. I'm happy to speak this niche language of "possession" in certain settings, but on the whole I find it a misleading distraction and I will follow Kevin's lead — as well as the rest of the English speaking world's — in defining "property" at its most basic as any title granting primacy in determining the use of a physical object.

It should be blindingly obvious that such titles can be occasionally useful. But just to cover all the bases and to provide a firm foundation I will briefly present the case to satiate our more

extremely communistic readers. The possible scope of communistic systems that attempt to put literally everything under the purview of “the community” should not be underestimated, but even the most radical communist proposals usually admit some degree of property title as we’ve defined it here.

Rare indeed is the extreme communist position that literally all things should be owned globally, with no capacity for local communities to exercise exclusive control over some of their own resources. Suffice to say if one community has a veto over the uses of something and another community does not then there is some kind of property system at play. Unless someone in New York gets a vote on the uses of a toothpick in East Timor and vice versa there’s a property system going on, whatever the limits and however informal, to recognize specialization and relevance. The actors may be “communities” but there is nevertheless some kind of system denoting and determining the boundaries and titles of what those communities claim.

As a second example, individual autonomy generally means being granted veto over the function and arrangement of one’s own body. The problem is that there’s no philosophically clean line between bodies and tools. Hair, glasses, wheelchairs, crutches, etc. Even our houses and vehicles can be seen as extensions of us, in terms of identity, causal closeness, as well as basic bodily function and survival. We’re all already transhuman and as we grow ever more so this blurring or queering of the categories of “body” and “tool” will become all the more inescapable. We send signals from our brains out to our fingers and expect them to move, and our fingers send signals out into our laptop and we expect its structures too to move the way we want them to. Many geeks today have taken to referring to our phones and computers as “exocortexes” to reflect how deeply we integrate with them and see them as extensions of our selves, our will, body and mind. Similarly the disabled often see implants or prosthetics as integral parts of themselves, as extensions of their bodies. It would be ethically repugnant to put the continued function of an artificial heart under the purview of a community rather than exclusively the control of the individual in which it resides. But it’s also clear that there are no clean lines to be drawn; some things serve a more tool-like role and others more body-like role, often smoothly transitioning in degrees between one another.

Further we often grant people exclusive purview to fiddle with a thing as a response to realities of subjective experience and knowledge. Our thoughts, desires, and contexts are rich complex things — in many regards ultimately unknowable with any precision to those outside our skulls, much less those a continent away. When working on a project like a sculpture or new device it’s often far more efficient to just let an individual work on their own, without having to justify every step or choice in a committee. We say, “It’s your block of marble or circuit board” and allow them to tinker with it exclusively.

All of this justification for the most simple and basic versions of “property” possible may seem superfluous but my point here is that they’re practical concerns grounded in realities as simple and fundamental as information and processing.

The assignment of titles to physical items is an inescapable concern — but for *practical* reasons. *Concerns that are deeply dependent in many respects on context.*

The very idea of “land” as being fundamentally distinct from say fungible commodities would make no sense in the context of outer space when we’re building ad hoc or personal biomes from melted asteroids and the volume of the void is unlimited. On the other end of things, systems that critically assume the possibility of homesteading make no sense in a highly populated information-age world where every cubic inch is constantly cataloged and monitored.

Popular conceptions of what “laying fallow” might signify could change rapidly alongside broader accelerations in cultural, technological, and economic dynamics. One moment leaving my backyard empty for a year might seem perfectly reasonable, the next moment the public might consider it an intolerable and horrific waste. I’m what? Using it to grow some grass? I haven’t done anything with the matter in it or the precious limited surface area it represents in nearly 30 million seconds! That’s unfathomable waste! Please someone, anyone dump some nanogoo on it and *do* something with it!

There’s a lot of talk that “communities will settle on norms” but nevermind *how* that settling is supposed to happen. How are these standards supposed to smoothly evolve and update to reflect new conditions or contexts? Precisely how does that work? And god forbid we critically interrogate the very idea of discrete “communities” as though an anarchist society would just settle into villages that constitute a single community rather than an incredibly complicated mesh of social relations and networks with no clear boundaries.

There’s been a tendency in this debate, particularly in market anarchist discourse, to just chuck everything at “the community” or “polycentric legal systems” and hope that move resolves the issue.

This is in some ways on the right track, but it’s not enough because appealing to formalized collective decision-making or arbitration apparatuses in many respects just pushes the buck back. How do the codes of behavior that these systems judge arise? How can these social codes be dynamically or organically changed or updated as context changes? What if it changes dramatically?

Many in this discussion have appealed at least partially to “labor mixing” as the foundation of legitimate property title. But this justification is deeply problematic.

What does it mean to mix labor? “Improvement” is at core subjective. “Labor” itself is at core subjective. If I walk into a large wild field and rearrange a few twigs or — alternatively — do copious gardening repositioning wild plants to shift the layout slightly, either in ways that I think “better channels the spiritual energy” of the field, it may look like exactly the same sort of wild field to virtually everyone else. But it might be the case that in this new configuration its utility to me has increased dramatically. I might derive immense satisfaction from the new arrangement. In the case where I only moved a few sticks (rather than breaking my back doing gardening that no one else will perceive much change from), I might nevertheless claim that I exerted immense psychological or mental effort figuring out which sticks and how to move them.

In a market one may try to just go off of “market value” but it’s not proven that there would be any singular metric of such in a truly freed market — the currency situation might be incredibly complex, fractal and overlapping, in no way mirroring the current cash nexus. “The market” might possibly be a complex organic ecosystem, not immediately globally clearing and with no clear equilibrium point for an arbitration court to go off of. Indeed arbiters or community bodies or whatever may not overlap with currencies at all. But again even if we could settle on a single notion of value improvement or even labor expended, it’s not clear *how much* should be requisite for unowned materials to get titles assigned to them. Titles in a legal system are relatively binary things. Either you have title to something or you don’t.

Indeed it’s worth significantly challenging the philosophical assumptions underlying the assignment of ownership according to work expended on something or degree market value improved. Having poked at something in the past is certainly not the same thing as it currently existing as an extension of one’s body or as a focus of one’s attention and interest. You might

care a lot about something that you're working on and then not really at all afterward. You may never structurally change something, you may never improve the market value of something, and nevertheless critically depend upon it. There's plenty that can be said about ecology here, never mind the fetishization of "work" itself. Why should we start from a perspective of how much energy is exerted rather than how much desire is satiated?

At the end of the day the focus on labor-mixing seems to bundle in a defense of property (and markets) grounded ultimately in a rather modern ethos of "I am due recompense for working" rather than the more foundational ethical concern for "what arrangement best improves the lot of everyone." The most persuasive justifications for property (and markets) is that they improve the lives of all — that they're the most pragmatic ways to navigate concerns of bodily autonomy, subjective desires, and scarcity of resources. This is, after all, why no sane or ethical person would defend "intellectual property" — since there's no practical need for ideas to be made scarce, no coordination problems to full communism in information. Focusing on labor-mixing as the primary certifier of ownership implicitly appeals to a tit-for-tat sense of "justice" or demand to personal recompense for work done, rather than a cosmopolitan and universalist drive to better all. This is a *significant* philosophical distinction over what we're even trying to speak of with "ethics" and thus ethical justifications for various property systems. And yet it has been passed over silently in this back and forth.

But on a more practical level, the classic reductio of labor-mixing can be immediately seen with a group heading out to a deserted island or planet and the moment they get there one of them uses robots to till all the land. Does that person now justly reign as supreme king forever? Markets can exist with such unequal distributions that they just entirely replicate the existence of the state. Even Rothbard conceded that if you "privatized" title to the possessions of a communist state that owns everything into the hands of a single person or just a few literally nothing would have meaningfully changed.

In ragging so heavily on labor-mixing I'm implicitly to some degree asking that we reground our analyses to start with "bodily extension" as a more important or fundamental paradigm than the more nebulous labor-mixing — but I don't want to pretend that there are ultimately any clean resolutions there either. If a robber baron networks thousands of factories' cybernetic systems directly into his nervous system that hardly trumps all other concerns on the legitimacy of property titles. Indeed no ethical argument for property of yet satisfactorily resolves the question of where our bodies end without making an arbitrary move, indeed it's unclear that there should even be such a clean binary. All definitions of bodies much less what constitutes the "facts" of who possesses what are socially constructed as well as individually subjective. They all require input parameters derived from culture and from contexts that can change fluidly. It would be a shame to enshrine rules or systems incapable of keeping up with those contextual changes.

The language I've used to present reductios and counterexamples deliberately baits dismissal by sneers of "science fiction" — but all our revolutionary aspirations are inherently science fiction and just as unlikely to be realized in the near future. As self-professed radicals our concern is the roots of things, the fundamentals, and this requires pressing our conceptual frameworks into extreme contexts to see what breaks down outside the effective region our approximations are good within.

Of course property itself need not extend to all possible contexts. We can surely dream of worlds where no version of 'property' would be particularly useful. But these effective boundaries

to the concept are highly illustrative. Property loses all relevance in world without scarcity. But it also loses relevance in the absence of clearly definable individuals.

It is the current individualization of humanity into discrete and localized neural networks with drastically limited connections between them that is most fundamentally necessary for the concept of property titles exist. There are individual minds or agents acting in a physical world — literally nothing else need be said about the extent of our bodies, how we act in the world, or the nature of our interests and projects.

And here lies a blinding theoretical clarity: Our evaluation of other individuals and their evaluations of us are prior in a deep way to everything else. Such evaluations — our relationships, impressions, trust, and intentions with regard to one another — cannot be alienated from us or overruled. At least not without breaking the very Cartesian individualization and subjective experience our skulls presently impose that makes property useful. Reputation is firmly prior to any other contextual consideration. This much should be obvious and it may seem a trivial point, but it continually astonishes me how quickly our discourses leap past this primordial reality. As if the ethical frameworks we speak in terms of have no more aspiration than the most provisional or situational.

Every social norm, every standard, ultimately originates in the detentes between individuals. Society itself is a fabric of social relationships. We reach settlements, optimal meta-agreements through a rich network of relations, not a single deliberative body — there is no and has never been any “The Community”. Things quickly get complicated and thorny once you add in physical and historical context. But property titles are, at root, just an agreement to respect each other. What scariest about this to many is that property is *not* a single collective contract, or even a contract with the kind of hardness and permanency possible when grounded in systemic coercion. It is instead an organically emergent mesh of agreements, constantly being mediated and pressured.

Even the Marxist housemates agree not to use each others’ toothbrushes because this is an obviously optimal arrangement, an optimal *détente*. But there is no single magical ledger in the sky keeping track of everything. Property, in its most basic and inarguable forms, emerges bottom-up. And just as a market *can* settle into a perfectly cleared equilibrium — it often won’t.

People can and *will* disagree over property titles, not because they are mistaken in pursuit of some platonically existing ideal, but because they simply disagree.

If we arrive on a deserted island and I manage to get my robotic drones to till the entire island first you would surely not respect my claim to own all the accessible land. No matter how Lockean you claim to be.

And that’s great. Instead of partially obscuring the issue by assuming that we’ll always establish polycentric legal systems with massively overlapping meshes of formal mediators and conflict adjudicators, and then these will come to consensus on a single global and canonical ledger of property titles, we should be clear that the roots of any anarchist system lie in the agents involved. Disagreements have to ultimately be settled in terms of our relationships with others, our complicated intentionality, goodwill, and trust.

Our relationships with one another, what can be termed, if you feel like it, “the reputation market,” will sometimes be perturbed by differences and require the transmission of signals to return to a tolerable *détente* or equilibrium for all parties. Theft can be a valid signal. If everyone starts walking off with my goods because they’ve ceased to be sufficiently reputationally incen-

tivised in the broader community or society to respect my monopoly, well that might be a *good thing*.

If — whether through distortions brought about by systemic violence as in our present world or just some kind of evolutionary misstep from a free and egalitarian state — a “market” has somehow grown so dysfunctional as to see starvation while bread is stocked in plenty then I will happily shout alongside the famous market anarchist Voltairine de Cleyre, “Take bread!” And I’ll personally help you bust a window or two to do it.

It’s long been pointed out that, in the absence of a statist police system that effectively subsidizes the wealthy, it’s easier to steal from one safe containing a billion dollars than from a billion safes containing one dollar. The reassuring idea has been that while the rich might get around this by hiring tons of security guards to protect their giant silos of gold, at that point they’re hemorrhaging funds to pay for security. But such examples take an implicitly cavalier attitude towards violence, one that many social anarchists are rightfully frightened of. If we broadly accept the existence of people taking money to wield violence in defense of some claim... that introduces many severe dangers to say the least. The better approaches have been to treat violence, even “defensive”, as something to accept very very hesitantly. Instead the emphasis is that contracts and the like should only be enforced via diffuse reputation. Working to build social organisms and instincts in a direction where freedom-of-association can function as sufficient censor or sanction. The next logical step along this path is to go from treating written contracts this way to property titles themselves.

Wealth is in many respects subjective. What might most deliriously satisfy one person (having a guitar and a pond to write poems beside) can be very different from what would best satisfy another (having a radio telescope array). But the market provides a good means to balance between these preferences; the SETI geek might to demonstrate through revealed preference on many levels that a radio telescope array really is critical to her core desires. This can happen through market pricing of the resources she uses, but also through the effective “pricing” being transmitted through her relationships with others. And if her project’s concentration of resources would leave others destitute or barred from achieving their own core desires they may simply fail to respect her claim/title to it.

There are of course good game-theoretic reasons to gravitate towards categorical-imperative equilibria where disrespecting someones’ claim is no casual affair, and I would certainly encourage more thought into dynamic and responsive strategies and what schelling points we might find in dealing with this. But nevertheless we should reflect more on the subjectivity of theft itself and remember that society is ultimately made up of individuals with relations, not organizations and rules, and blinding ourselves to those root realities impedes our agency, just like any other self-deception.

Yes, it must be admitted frankly and openly that naive or simple reputation dynamics alone are dangerous. Social capitalism can be at least as vicious as any other system. One of the primary critiques left market anarchists have increasingly leveled against communistic anarchists is that their prescriptions risk chaining us in the sociopathic quagmire so often seen in social anarchist scenes whereby power structures are just shifted entirely to the realm of popularity contests and team sports. Where almost every action is reduced to social positioning and triangulation.

The abstractions of property and markets provide some defense against this nightmare — the freedom to engage in relatively impersonal interactions can be incredibly important and necessary, as David Graeber has argued in *The Utopia of Rules*. He used this to justify bureaucratic sys-

tems like consensus meetings. But here questions of centralization crop up. Systems that appeal harder to organizationalism and collective decisionmaking than autonomous action inherently create effective concentrations of social power, capable of being seized and leveraged.

Decentralization, when paired with sufficient technological freedom/complexity that conflict becomes asymmetric to the benefit of minorities, provides additional security and resilience against power structures. And a general tendency within a mature and enlightened reputation market to move towards property titles would provide security against the horrors of raw social capitalism. One hopes a balance point can be reached organically, like a price, between the dangers of naive and immediate reputation games and the dangers of an overly rigid property system. Reputation is the soil in which we must cultivate a rich and highly-evolved ecology of social relations.

But in some sense it doesn't matter whether or not you'd like property titles to ultimately be emergent from reputation. They empirically are. There's a reason credit preceded currency — as Graeber had to remind a number of economists — trust and goodwill are simply the foundation of the world we move in. We can try to blind ourselves to this or we can take the more anarchistic route of informed agency, refusing to fetishize or enslave ourselves to structures and conventions.

And here's where the divide between the hardest of Lockean Rothbardians and the more communistic georgists or mutualists starts to buckle:

If trying to problematize our injunctions against or even defend outright theft is a terrifying step to some, the flipside to viewing property titles as emergent from reputation is that it provides us with greater security against the possible downsides of numerous market mechanisms. *And thus it gives us greater security and latitude in adopting them.*

Land ownership, capital ownership, rent, interest, all of these can serve useful functions in transmitting important market information, in facilitating our broader collaboration by supplying additional information and nuance to the market. While all of these dynamics can grow cancerous, it would be insane to try and suppress pricing for risk, for example. The efficient allocation of resources to satiate everyone requires means to integrate predictions of future developments.

The market and the assignment of property titles within it is a garden we grow. A tool. Just like consensus process or breaking out into working groups. Like any means of organization we should not fetishize it. It is an extraordinarily useful and necessary tool, but just like any procedure we might adopt it is not a god. And its precise happenstance structure is surely not foundational to our ethics.

We must retain our critical faculties and agency, our capacity to both immediately and smoothly respond the moment our tool stops working. If some post-revolution market does in fact develop cancers of severe capital or wealth accumulation that runaway faster than the myriad diseconomies of scale and centrifugal forces within freed markets can suppress... then we can always *just stop respecting* some of the property titles of those in danger of becoming new rulers.

Similarly there are plenty of contexts in which the problems markets and property titles are supremely useful at resolving are not the most pressing ones. Three shipwrecked people aren't going to divide up their island, write elaborate contracts, and start a fish subprime derivatives stand. Not unless they're sociopaths. In simple subsistence conditions with small communities it makes far more sense to never even think about titles, but discuss the uses of everything collectively. You can put a reasonable bound on the community discussions necessary to coordinate the growing of potatoes.

Context matters, and what as anarchists we should be doing is encouraging people to think for themselves, to understand and appreciate the dynamics at play. That property and markets can be and are useful, but for underlying reasons dependent upon a host of things.

Sadly when we talk about property norms being determined by the community this very quickly tends to assume a single coherent community rather than a very complicated mesh of individuals, and our talk of “norms” likewise seems to assume the form of edicts, rather than a more dynamic and shifting reality like prices. Set rules versus constantly and organically mediated agreements.

The foundation of property shouldn’t hinge on what rocks you’ve poked some point in the past or even what you’ve chosen to extend your cybernetic nervous system into, but what best satiates your desires or aspirations in balance with everyone else’s. This is after all what markets at their best promise: The notion that everyone’s subjective preferences will be satiated more efficiently than would be possible attempting to talk them out in a global consensus meeting.

If markets have a hard time resolving something then they shouldn’t complain if the answer turns out to be to extend the dynamics of markets deeper, to make the very foundations of the economic sphere more organic. And oh, whoops, now no one condemns me for driving off with one of Bill Gates’s cars.

There are two sets of ultimate justifications for property and markets. One is rooted in an entitled tit-for-tat demand for 1-on-1 “fairness.” The other is grounded in a wider ethical lens, seeking only the betterment of all. It should be no surprise if the market structures ultimately promoted by either differ. We’ve already seen that this is the case with “intellectual property.” Libertarians and even state socialists have split hard internally on this issue, some demanding “but I put energy into this, I am due recompense, that’s what fairness is” while others aghast that anyone would even think of seeking to exclude or control what others can have when scarcity is no longer relevant. This poorly papered over chasm between selfish and selfless core perspectives deserves widening. I know what side I’m on.

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